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HRD09/21560

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Leslie T. Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 1650
San Francisco, California 94105

Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

**Re: Honolulu High-Capacity Transit Corridor Project
Programmatic Agreement**

Aloha e Leslie Rogers and Wayne Yoshioka,

The Office of Hawaiian Affairs (OHA) would like to offer the following comments on the programmatic agreement (PA) being executed pursuant to applicable provisions of the National Historic Preservation Act of 1966, as amended for the Honolulu High-Capacity Transit Corridor Project (project). OHA staff has had the opportunity to attend stakeholder meetings regarding the PA and we have considered the wide range of thoughts which have been expressed on various aspects of the PA.

OHA has substantial obligations to protect the natural and cultural resources of Hawai'i for our beneficiaries, the people of this land. The decision on whether to move forward with the largest public works project in the history of the State of Hawai'i has been controversial and widely publicized. At this juncture, OHA seeks to fulfill our statutory mandates by assessing the potential impacts that this project will have on iwi kūpuna (ancestral remains) within the project corridor.

We acknowledge the comments and suggested revisions to the PA that have been offered by the O'ahu Island Burial Council (OIBC) and Hui Mālama I Nā Kūpuna o Hawai'i Nei (Hui Mālama). These thoughtful and detailed letters from two Native Hawaiian Organizations not only reflect their commitment to the PA consultation process, but also demonstrate their commitment to the protection and proper care of iwi kūpuna, a practice which has been fostered through many generations of Native Hawaiians and is a fundamental value of our culture. OHA strongly advocates that at a minimum, the Federal Transit Administration (FTA) is obligated to respond to the OIBC and Hui Mālama with a level of detail that reflects a thorough review and consideration of their comments and suggested revisions. The FTA must

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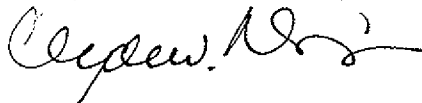
also affirm that the intent and all provisions of applicable Federal regulations such as, but not limited to the National Environmental Policy Act and Section 4(f) of the U.S. Department of Transportation Act of 1966 have been fully considered and applied before allowing this project to move forward.

Of particular concern is Phase 4 of the project which includes the Downtown Honolulu and Kaka'ako corridors. It would be accurate to summarize that all parties involved with this project realize that there is a high probability that Native Hawaiian burials will be identified in this corridor of the project. A detailed listing of the numbers of Native Hawaiian burials which have been impacted over the years by specific projects in this area would offer a brutal reminder of the kaumaha (sadness) those involved with these situations have endured and to certain degree, will always carry. Through these tragic lessons, the Native Hawaiian community has come together to advocate for a paradigm shift in how and when iwi kūpuna are identified during the development process so that they can be afforded appropriate protective measures and care. This new paradigm includes incorporating the most modern and comprehensive concepts of a wide range of professions to ensure that Native Hawaiian burials are not relegated to be merely viewed as "delays" or "inconveniences" in the development process. Experience has shown that all parties benefit when burials are identified as early as possible in the development process so that they can be given paramount consideration as the design of a given project moves forward.

With this in mind, OHA supports the position that a comprehensive archaeological inventory survey (AIS) which includes a complete subsurface archaeological excavation in all areas which will be subject to ground disturbance related to this project must be completed as soon as possible. Any burials identified during this AIS would be classified as "previously identified" pursuant to the Hawaii Revised Statutes and Hawaii Administrative Rules. The OIBC would then have the statutory authority to render a determination of "preservation in place" or "relocation" for any previously identified Native Hawaiian burials and will provide recommendations on any appropriate mitigation measures. The FTA and City and County of Honolulu will then be able to consider the OIBC's determinations and recommendations before committing to a final alignment and costly engineering and design plans.

Thank you for considering these comments. OHA would also like to express our sincere appreciation to all parties involved in this most important matter and remain committed to continuing our work with you to reach a respectful and appropriate conclusion. Should you have any questions or concerns, please contact Keola Lindsey, Advocate, Native Rights, Land and Culture at 594-1904 or keolal@oha.org.

'O wau iho nō me ka 'oia'i'o,



Clyde W. Nāmu'o
Administrator